

PHILLIP A. TALBERT
United States Attorney
KIMBERLY A. SANCHEZ
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD CHARLES THOMAS, JR.,

Defendant.

CASE NO. 1:21-CR-00158-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: July 16, 2024
TIME: 8:30 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and RICHARD CHARLES THOMAS, JR., by and through defendant's counsel of record, Daniel Harralson, hereby stipulate as follows:

1. By previous order, this matter was set for jury trial on July 16, 2024.
2. By this stipulation, defendant now moves to continue the jury trial until November 13, 2024, and to exclude time between July 16, 2024, and November 13, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. While the parties continue to anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts the discovery associated with this case includes reports,

1 photographs, and recordings; discovery has been provided to defense counsel. The government
2 is aware of its ongoing discovery obligations.

3 b) Counsel for defendant needs additional time to consult with his client to continue
4 to work through some issues his client raised, to review the current charges, to conduct
5 investigation and research related to the charges, to review and/or copy discovery for this matter,
6 to discuss potential resolutions with his client, to prepare pretrial motions, and to otherwise
7 prepare for trial.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of July 16, 2024 to November 13,
17 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
18 results from a continuance granted by the Court at defendant's request on the basis of the Court's
19 finding that the ends of justice served by taking such action outweigh the best interest of the
20 public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

25 ///

1 Dated: June 12, 2024

PHILLIP A. TALBERT
United States Attorney

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3 /s/ KIMBERLY A. SANCHEZ
KIMBERLY A. SANCHEZ
4 Assistant United States Attorney

5 Dated: June 12, 2024

6 /s/ DANIEL HARRALSON
DANIEL HARRALSON
7 Counsel for Defendant
RICHARD CHARLES
8 THOMAS, JR.

9
10 **FINDINGS AND ORDER**

11 IT IS SO FOUND that the ends of justice are served by requested continuance.

12 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
13 interest of the public and the defendant in a speedy trial and that time is deemed excluded pursuant to 18
14 U.S.C. § 3161(h)(7)(A), B(iv).

15 IT IS ORDERED that the jury trial set for July 16, 2024 is continued to November 13, 2024, and
16 that the time period of July 16, 2024 to and through November 13, 2024 be excluded from the time in
17 which trial must commence.

18
19 IT IS SO ORDERED.

20 Dated: **June 15, 2024**


UNITED STATES DISTRICT JUDGE